

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. § 371

U.S. APPLICATION NO. (If known, see 37 C.F.R. § 1.5): \*

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/US98/04084	March 3, 1998	March 3, 1997

TITLE OF INVENTION: ADENOVIRUS VECTORS SPECIFIC FOR CELLS EXPRESSING ALPHA-FETOPROTEIN AND METHODS OF USE THEREOF

APPLICANT(S) FOR DO/EO/US: Andrew S. LITTLE et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. § 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. § 371.
3.  This express request to begin national examination procedures (35 U.S.C. § 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. § 371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. § 371(c)(2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US)
6.  A translation of the International Application into English (35 U.S.C. § 371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. § 371(c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. § 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. § 371(c)(4)), signed in counterpart - 8 pages.
10.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. § 371(c)(5)).

## Items 11. to 16. below concern document(s) or information included:

11.  An Information Disclosure Statement under 37 C.F.R. §§ 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. §§ 3.28 and 3.31 is included.
13.  A **FIRST** preliminary amendment.
  - A **SECOND** or **SUBSEQUENT** preliminary amendment.
14.  A substitute specification.
15.  A change of power of attorney and/or address letter.
16.  Other items or information: Copy of the Notification of Missing Requirements Under 35 U.S.C. 371 - 2 pages

Return receipt postcard - 1 page.

06/06/2000 PWD/PE 00000105 09509591

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

01 FC:156

130.00 ~~00~~ Express Mail Label No.: EJ569175963US Date of Deposit: June 2, 2000

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Gary Paulazzo

U.S. APPLICATION NO. (If known, see 37 C.F.R. § 1.5) 09/509,591	INTERNATIONAL APPLICATION NO. PCT/US98/04084	DOCKET NUMBER: 348022000420
17. <input type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO USE ONLY
<b>BASIC NATIONAL FEE (37 C.F.R. §§ 1.492(a)(1)-(5)):</b>		
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$840.00		
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$670.00		
International preliminary examination fee (37 CFR 1.482) not paid to USPTO by international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$690.00		
International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provision of PCT Article 33(1)-(4) ..... \$970.00		
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$96.00		
<b>ENTER APPROPRIATE BASIC FEE AMOUNT = \$0.00</b>		
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. § 1.492(e)).		<b>\$130.00</b>
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	27 - 29 =	0
Independent claims	3 - 3 =	0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$260.00
<b>TOTAL OF ABOVE CALCULATIONS = \$130.00</b>		
Reduction by $\frac{1}{2}$ for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 C.F.R. §§ 1.9, 1.27, 1.28)		<b>\$0.00</b>
<b>SUBTOTAL = \$130.00</b>		
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. § 1.492(f)).		+ <b>\$0.00</b>
<b>TOTAL NATIONAL FEE = \$130.00</b>		
Fee for recording the enclosed assignment (37 C.F.R. § 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. §§ 3.28, 3.31). <b>\$40.00 per property</b>		+ <b>\$0.00</b>
<b>TOTAL FEES ENCLOSED = \$130.00</b>		
		<b>Amount to be refunded:</b> <b>\$</b>
		<b>charged:</b> <b>\$</b>
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$130.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my <u>Deposit Account No. 03-1952</u> in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Assistant Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to <u>Deposit Account No. 03-1952</u> referencing docket no. <u>348022000420</u>.</p>		
<p><b>NOTE: Where an appropriate time limit under 37 C.F.R. § 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. § 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p>		
<p>SEND ALL CORRESPONDENCE TO:</p> <p>Catherine M. Polizzi  Morrison &amp; Foerster LLP  755 Page Mill Road  Palo Alto, California 94304-1018</p>		
 <b>SIGNATURE</b>		
<p>Catherine M. Polizzi  <u>Registration No. 40,130</u></p>		

# COPY

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/509591	LITTLE	A GRIFFITH
CATHERINE M POLIZZI MORRISON & FOERSTER 755 PAGE MILL ROAD PALO ALTO, CA 94304 1018		INTERNATIONAL APPLICATION NO.
		PCT/US98/04084
I.A. FILING DATE		PRIORITY DATE
03 MAR 98		03 MAR 97
DATE MAILED: <b>05 MAY 2000</b>		

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

a Designated Office (37 CFR 1.494),  
 an Elected Office (37 CFR 1.495):  
 U.S. Basic National Fee.  
 Copy of the international application in:  
 a non-English language.  
 English.  
 Translation of the international application into English.  
 Oath or Declaration of inventors(s) for DO/EO/US.  
 Copy of Article 19 amendments.  
 Translation of Article 19 amendments into English.  
 The International Preliminary Examination Report in English and its Annexes, if any.  
 Translation of Annexes to the International Preliminary Examination Report into English.  
 Preliminary amendment(s) filed 03 SEP 99 and \_\_\_\_\_.  
 Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
 Assignment document.  
 Power of Attorney and/or Change of Address.  
 Substitute specification filed \_\_\_\_\_.  
 Verified Statement Claiming Small Entity Status.  
 Priority Document.  
 Copy of the International Search Report  and copies of the references cited therein.  
 Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
 d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR. 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

Enclosed:

PCT/DO/EO/917

Notice of Defective Translation

PTO-875

FORM PCT/DO/EO/905 (December 1997)

Charita A. Burt, Paralegal

Telephone: 703-305-3734

Facsimile: 703-305-3735

# COPY

RECEIVED  
MAY 08 2000  
Morrison & Foerster, LLP  
Palo Alto  
105/100